

COUNCIL AGENDA ITEM # \_\_\_\_ FOR  
TUESDAY, AUGUST 17<sup>th</sup>, 2004

04 AUG 12 AM 8:58

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

August 11, 2004

TO: The Honorable Mayor and City Council

THROUGH: R. Alan Shubert, P. E. - Building Permits and Inspections Director

FROM: Tom Maguire, Housing Compliance Supervisor

SUBJECT: 3229 Gateway West Blvd. (Rep. District #8)

Scheduling a public hearing to be held on September 7<sup>th</sup>, 2004 to determine if the property located at 3229 Gateway West Boulevard in the City of El Paso (Legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of record as of April 22, 2004, Iglesia De Dios Vivo Columna & Apoyo De La Verdad – La Luz Del Mundo, 3229 Gateway West Boulevard, El Paso, Texas 79903, has been notified of the violations at this property. District #8

**JOE WARDY**  
MAYOR



**BUILDING PERMITS AND INSPECTIONS  
CODE COMPLIANCE  
March 23, 2004**

Iglesia Del Dios Vivo Colum  
3229 Gateway West Blvd.  
El Paso, Texas 79903-4225

Re: 3229 Gateway West Blvd.  
Lots: 22 & E ½ of 21  
Blk: 61, East El Paso  
Zoned: C-1 S  
COD04-03992  
Certified Mail Receipt #  
7003 2260 0002 9957 5159

**CITY COUNCIL**

**SUSAN AUSTIN**  
DISTRICT NO. 1

**ROBERT A. CUSHING Jr.**  
DISTRICT NO. 2

**JOSE ALEXANDRO LOZANO**  
DISTRICT NO. 3

**JOHN COOK**  
DISTRICT NO. 4

**DANIEL S. POWER**  
DISTRICT NO. 5

**PAUL J. ESCOBAR**  
DISTRICT NO. 6

**VIVIAN ROJAS**  
DISTRICT NO. 7

**ANTHONY COBOS**  
DISTRICT NO. 8

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.52.030 - Unsafe Structures - Owner Not To Allow Condition To Continue, which states:

It is unlawful for the owner of any building or structure, or part thereof, which has become unsafe and dangerous so as to endanger persons or property, or so as to be a fire hazard by reason of defective construction, overloaded floors, lack of guards against fire, defective condition of the foundations, walls, or parts thereof, or deterioration caused by fire or otherwise, or for any reason, to allow or permit same to remain upon any real estate within the City.

The El Paso Municipal Code Chapter 18.52.040 - unsafe structures - Remedial action by owner or City defines unsafe structure as a structure or part thereof that is:

- a. Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or
- b. Regardless of its structural condition, unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or

3229 Gateway West Blvd.

- c. Boarded up, fenced, or otherwise secured in any manner in if:
  - i. The building constitutes a danger to the public even though secured entry, or
  - ii. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection.

The structure located at 3229 Gateway West Blvd., has the following violations:

- a. The foundation has not been maintained in a safe manner.
- b. The floors have not been maintained in a safe manner.
- c. The walls have not been maintained in a safe manner free of holes and cracks.
- d. The roof structure has not been maintained free of defects that may cause leaks.
- e. The means of egress is/are inadequate and do not meet minimum code requirements.
- f. The plumbing system is inadequate and does not meet minimum code requirements.
- g. The electrical system is inadequate and does not meet minimum code requirements.
- h. The HVAC system is inadequate and does not meet minimum code requirements.
- i. The premises are full of weeds, trash, and debris.
- j. In the event you fail to correct these violations within 30 days, the case will be submitted to the City Attorney's Office for unsafe structures proceedings. The City Council will decide if the structure is unsafe and if it should be vacated, secured, repaired or demolished as per Sec. 18.52.040.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

3229 Gateway West Blvd.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 541-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

A handwritten signature in black ink, appearing to read "Wayne Fannin". The signature is fluid and cursive, with the first name "Wayne" written in a larger, more prominent script than the last name "Fannin".

Wayne Fannin  
Building Inspector

WF/rl

6575 156 2000 0922 E002

Postal Service  
**CERTIFIED MAIL RECEIPT**  
Domestic Mail Only; No Insurance Coverage Provided

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
	MAR 29 2004

WF

Postmark  
Here

Iglesia Del Dios Vivo Colum  
3229 Gateway West Blvd.  
El Paso, Texas 79903-4225  
Re: 3229 Gateway West Blvd.


Instructions

## NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 7<sup>th</sup> day of September, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 3229 Gateway West Boulevard, in El Paso, Texas, which property is more particularly described as:

The East ½ of Lot 21 and all of Lot 22, Block 61, East El Paso, an Addition to the City of El Paso, El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Iglesia De Dios Vivo Columna Y Apoyo De La Verdad – La Luz Del Mundo, 3229 Gateway West Boulevard, El Paso, Texas 79903-4225, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Adopted this 17<sup>th</sup> day of August, 2004.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

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Marvin Foust  
Assistant City Attorney

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Tom Maguire  
Housing Compliance Supervisor

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice dated August 17<sup>th</sup>, 2004 regarding the property located at 3229 Gateway West Boulevard, was filed with the County Clerk's Office, the official public records of real property for El Paso County.

\_\_\_\_\_  
Richarda Duffy Momsen

Executed this \_\_\_\_ day of \_\_\_\_\_, 2004 on behalf of  
the City of El Paso, Texas, by Richarda Duffy Momsen in her capacity as City Clerk.

STATE OF TEXAS  
COUNTY OF EL PASO

Subscribed and sworn to before me, this \_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Notary Public



I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice dated August 17<sup>th</sup>, 2004 regarding the property located at 3229 Gateway West Boulevard, was PUBLISHED in the official City newspaper on the \_\_\_\_day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice dated August 17<sup>th</sup>, 2004 regarding the property at 3229 Gateway West Boulevard, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Iglesia De Dios Vivo Columna Y Apoyo De La Verdad – La Luz Del Mundo  
3229 Gateway West Blvd.  
El Paso, Texas 79903

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated August 17<sup>th</sup>, 2004 regarding the property at 3229 Gateway West Boulevard, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Minnie Alice Haywood  


Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated August 17<sup>th</sup>, 2004 regarding the property at 3229 Gateway West Boulevard, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Minnie Alice Haywood  


Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated August 17<sup>th</sup>, 2004 regarding the property at 3229 Gateway West Boulevard, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Sergio Meza & Rafael Padilla (Trustees)  
C/O Ainsa, Skipworth, Zavaleta & Butterworth  
310 N. Mesa Street Suite 800  
El Paso, Texas 79901

Date: \_\_\_\_\_

Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated August 17<sup>th</sup>, 2004 regarding the property at 3229 Gateway West Boulevard, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Sergio Meza & Rafael Padilla (Trustees)  
C/O Diamond, Rash, Leslie & Smith  
725 First City National Bank Bldg.  
El Paso, Texas 79901

Date: \_\_\_\_\_

Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated August 17<sup>th</sup>, 2004 regarding the property at 3229 Gateway West Boulevard, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Sergio Meza & Rafael Padilla (Trustees)  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated August 17<sup>th</sup>, 2004 regarding the property at 3229 Gateway West Boulevard, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Larry A. Baskind  
1208 First City National Bank Bldg.  
El Paso, Texas 79901

Date: \_\_\_\_\_

Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated August 17<sup>th</sup>, 2004 regarding the property at 3229 Gateway West Boulevard, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

William A. McAlpine, Jr.  


Date: \_\_\_\_\_

Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated August 17<sup>th</sup>, 2004 regarding the property at 3229 Gateway West Boulevard, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

John C. Ritter  


Date: \_\_\_\_\_

Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated August 17<sup>th</sup>, 2004 regarding the property at 3229 Gateway West Boulevard, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Porfirio Avila  


Date: \_\_\_\_\_

Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated August 17<sup>th</sup>, 2004 regarding the property at 3229 Gateway West Boulevard, was (HAND-DELIVERED) to:

City of El Paso  
C/O City Clerk  
#2 Civic Center Plaza  
El Paso, TX 79901

Date: \_\_\_\_\_

Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated August 17<sup>th</sup>, 2004 regarding the property at 3229 Gateway West Boulevard, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe  
AKA Tigua Indian Community  
119 S. Old Pueblo Road  
El Paso, Texas 79907

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated August 17<sup>th</sup>, 2004 regarding the property at 3229 Gateway West Boulevard, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

El Paso Central Appraisal District  
5801 Trowbridge Ave.  
El Paso, Texas 79925

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at 3229 Gateway West Boulevard, El Paso, Texas.

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

SERGIO I. AGUILAR, P.E.  
2704 IDALIA AVE.  
EL PASO, TEXAS 79930  
APRIL 16, 2004

MR. WAYNE FANNIN  
BUILDING INSPECTOR  
BUILDING PERMITS AND  
INSPECTIONS  
CIVIC CENTER PLAZA  
EL PASO, TEXAS 79901

DEAR MR. FANNIN:

I HAVE VISITED THE PROPERTY AT 1229 CEBADA STREET AND HAVE FOUND THE STRUCTURE-NAMELY THE INTERIOR AND THE EXTERIOR WALLS, THE ROOF AND THE FOUNDATION TO BE STRUCTURALLY SAFE AND DO HEREBY CERTIFY TO THESE FINDINGS.

I HAVE INFORMED THE OWNER OF THE PROPERTY THAT THEY MUST OBTAIN A BUILDING PERMIT FOR THE REMODELING THAT IS NECESSARY TO BRING THE BUILDING TO CITY-CODE COMPLIANCE AND THAT ALL THE CONSTRUCTION MUST BE DONE BY A LICENSED CONTRACTOR.

IF YOU HAVE ANY QUESTIONS, PLEASE CALL ME AT (915) 433-7354.

